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06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09       UNITED STATES OF AMERICA,                   ) CASE NO. 06-640M  
10    )  
11       Plaintiff,                                      )  
12    )  
13       v.    )  
14       JEFFREY H. JOHNSTON,                         )  
15    )  
16       Defendant.                                      )  
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14       Offense charged:

15       Felon in Possession of a Firearm

16       Date of Detention Hearing: Initial Appearance, December 1, 2006

17       The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
18       based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
19       that no condition or combination of conditions which defendant can meet will reasonably assure  
20       the appearance of defendant as required and the safety of other persons and the community.

21       FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22       (1)       Having been convicted of prior felonies including Assault in the Second Degree,

01 Burglary in the Second Degree, Felon in Possession of a Firearm, Intimidating a Public Servant  
02 and Unlawful Possession of a Firearm in the Second Degree, and Escape, defendant is charged  
03 with knowingly possessing a firearm. Defendant is currently on federal supervision for the charge  
04 of Escape, for which he was sentenced to five years probation by the Honorable Franklin D.  
05 Burgess in Case Number CR05-5205 on June 10, 2005. Probation was revoked on February 13,  
06 2006 and the defendant sentenced to eight months in custody. The defendant is already in custody  
07 pending a hearing on new allegations of probation revocation before Judge Burgess.

08 (2) In light of his present status in federal custody pending the resolution of allegations  
09 of violation of probation, the defendant does not contest detention.

10 (3) There does not appear to be any condition or combination of conditions that will  
11 reasonably assure the defendant's appearance at future Court hearings while addressing the danger  
12 to other persons or the community.

13 It is therefore ORDERED:

14 (1) Defendant shall be detained pending trial and committed to the custody of the  
15 Attorney General for confinement in a correction facility separate, to the extent  
16 practicable, from persons awaiting or serving sentences or being held in custody  
17 pending appeal;

18 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
19 counsel;

20 (3) On order of a court of the United States or on request of an attorney for the  
21 Government, the person in charge of the corrections facility in which defendant is  
22 confined shall deliver the defendant to a United States Marshal for the purpose of

an appearance in connection with a court proceeding; and

(4) The clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 1st day of December, 2006.

Mary Alice Theiler  
Mary Alice Theiler  
United States Magistrate Judge